

BEFORE THE
TENNESSEE STATE BOARD OF EQUALIZATION

<i>In Re:</i> Richard & Margie Garrett)	
Ward 44, Block 20, Parcel 75)	
Residential Property)	Shelby County
Tax year 2005)	

PROPOSED DECISION AND ORDER

Statement of the Case

The Shelby County Board of Equalization ("county board") has valued the subject property for tax purposes as follows:

LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE	ASSESSMENT
\$7,400	\$39,900	\$47,300	\$11,825

On January 17, 2006, the property owners filed an appeal with the State Board of Equalization ("State Board").

The undersigned administrative judge conducted a hearing of this matter on April 4, 2006 in Memphis. In attendance at the hearing were the appellants, Richard and Margie Garrett, and Shelby County Property Assessor's representative Chris Kirby.

Findings of Fact and Conclusions of Law

The property in question is a three-bedroom, one-bath house located at 297 Eastview in Memphis. Originally built around 1950, the home was expanded some 25 years later to its present size of approximately 1,200 square feet.

In 2005, a year of reappraisal in Shelby County, the appraisal of this property nearly doubled – from \$37,500 to \$72,500.¹ However, following a hearing on the property owners' complaint, the county board reduced that value to \$47,300.

In this appeal to the State Board, Mr. and Ms. Garrett maintained that the subject property was only worth \$37,000. But according to Mr. Kirby's research, at \$47,300 (or \$39.42 per square foot), this house is currently appraised near the bottom of the range of values indicated by five sales of homes of similar age and size in the vicinity. Three of those sales occurred in 2002; two happened during the year preceding the tax year under appeal.

Tenn. Code Ann. section 67-5-601(a) provides (in relevant part) that "[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values...."

Since the taxpayers seek to change the present valuation of the subject property, they have the burden of proof in this administrative proceeding. State Board Rule 0600-1-.11(1).

Respectfully, after reviewing all the evidence of record, the administrative judge finds insufficient grounds for further reduction of the disputed value. Without doubting the sincerity of the appellants' conviction that no one would pay that amount for the subject property, the

¹Presumably, the previous appraisal (\$37,500) dated back to the last county-wide reappraisal in 2001.

administrative judge cannot legitimately give more weight to that belief than the Assessor's mostly unrefuted comparative sales data.

Order

It is, therefore, ORDERED that the following values be adopted for tax year 2005:

LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE	ASSESSMENT
\$7,400	\$39,900	\$47,300	\$11,825

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **"must be filed within thirty (30) days from the date the initial decision is sent."** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **"identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order"**; or
2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 27th day of April, 2006.



PETE LOESCH
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

cc: Richard & Maggie Garrett
Tameaka Stanton-Riley, Appeals Manager, Shelby County Assessor's Office
Rita Clark, Assessor of Property